

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

JEFFREY DOUGLAS COSBY

)
)
)
)
)

Case No.: 3:06cr151-MEF

NOTICE OF POTENTIAL PLEADING

COMES NOW the Defendant, Jeffrey D. Cosby, by and through undersigned counsel, Kevin L. Butler, and provides the Court with notice that if this matter proceeds to trial, pursuant to Fed. R., Crim. P. 29 and this Court's trial order, at least one week prior to trial a Motion to Dismiss based upon legal and factual impossibility may be filed. The defense's review of the Standing Order on Criminal Discovery, the federal rules governing discovery and the federal rules governing pretrial pleadings indicates that because this potential pleading does not address matters involving searches, statements, severance, pleading notice and/or discovery, this pleading is to be addressed to the district court and submitted pursuant to the rules governing trial pleadings.¹ This pleading has been submitted to provide the court notice of the potential filing.

Dated this 14th day of July 2006.

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138

¹ The defense has informed government counsel that prior to trial a Motion to Dismiss based upon legal and factual impossibility may be filed.

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

JEFFREY DOUGLAS COSBY

)
)
)
)
)

Case No.: 3:06cr151-MEF

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Susan Redmond, Assistant United States Attorney.

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138